IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.16129 of 2004

Between:

P.Mallesh, S/o.Chennaiah,
Dahegoan Mandal, Adilabad Dist.

..... PETITIONER

AND

The Sub-Collector, Asifabad, Adilabad District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction of writ more particularly one in the nature of writ of Mandamus direction the Respondents to Allow the petitioner to run the Fair price shop in Dahegoan Village, Dahegoan Mandal in view of renewal of Authorization dt.19-1-04 for the year 2004-05 & 2005-06 and subsequently declare the illegal action of the Respondent in allowing the unauthorized persons from distributing Essential commodities instead of the petitioner as bad in law and violative of clause 5(1) & other provisions of A.P. State Public Distribution System Control Order, 2001.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court made the following:

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ORDER:

The petitioner filed the present writ petition seeking a Writ of Mandamus directing the respondent to allow the petitioner to run fair price shop at Dahegoan Village and Mandal in Adilabad District by reason of an alleged authorization dated 19.1.2004 for the years 2004-'05 and 2005-'06.

It is the case of the petitioner that he was appointed as fair price shop dealer long ago and that the respondent suddenly stopped issuing essential commodities to him and a person of the local M.L.A., is taking steps to distribute essential commodities. The petitioner also alleged that he paid a sum of Rs.1,500/- for the food grains that are being supplied to him, but the Mandal Revenue Officer did not issue Government challan for payment of the said amount. The respondent and their subordinates did not allow the petitioner to supply essential commodities. Therefore he filed the present writ petition.

The Sub Collector, Asifabad, Adilabad District has filed a counter affidavit. The allegation that the petitioner was appointed as fair price shop dealer long ago was denied. It is stated that pursuant to a notification, the petitioner was appointed as fair price shop dealer on 31.1.2003 but he failed to comply with the necessary conditions and obtain authorization. Therefore the respondent declared the fair price shop as vacant. It is also stated that even while issuing appointment orders, it was made clear that unless and until the petitioner obtains authorization duly paying the necessary security deposit and enters into agreement he would not be allowed as fair price shop dealer. In spite of the same, the petitioner could not comply with the conditions.

Learned Counsel for the petitioner, Sri B.Sudhakar Reddy, submits that the petitioner has paid a sum of Rs.500/- by way of challan on 19.1.2004 and also obtained National Savings Certificate for Rs.1,000/- and that while submitting an application for authorization, the petitioner has enclosed these two. Therefore, he would like this Court to believe that the petitioner has duly complied with the necessary provisions of A.P. State Public Distribution System Control Order, 2001 (hereafter called 'the Control Order'). These contentions are refuted by the learned Assistant Government Pleader for Civil Supplies.

There is no denial that the petitioner was appointed as fair price shop dealer of Dahegoan village, by proceedings No.C/606/2002, dated 31.3.2003. The Xerox copies of challan and NSC No.38AA 452664 would show that the petitioner obtained these two, long after the issue of proceedings appointing him as fair price shop dealer in January, 2003. Therefore a reasonable inference can be drawn that the petitioner did not comply with the terms of appointment and various provisions of the Control Order. He approached this Court by withholding all these facts and on

this ground also, the petitioner is not entitled to any relief. If the petitioner is aggrieved by the action of the respondent in not supplying the essential commodities after his appointment as fair price shop dealer and payment of challan for authorisation, he should have approached this Court much earlier. Curiously, after his appointment as fair price shop dealer in January, 2003, he waited for about two years and then filed the writ petition in September, 2004. This would, itself, belie the petitioner's contention that he made application for authorization immediately after appointment. Further, the petitioner came to this Court stating that he was appointed as fair price shop dealer long ago and he was only given renewal for 2004 to 2006. But, in spite of the denial of this allegation by the respondent by filing counter affidavit, the petitioner has not chosen to file necessary evidence before this Court to support his contention. Therefore, the same cannot be believed.

The writ petition is devoid of any merit and is, accordingly, dismissed.

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(V.V.S.RAO,J)

27.06.2005

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To

1. The Sub-Collector, Asifabad, Adilabad District.

2. Two CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad. (OUT)

3. Two C.D. Copies.